

every year 40,000 students will seek employment in various Colleges and only 3000-4000 will get into the professional colleges. So, at this stage, if we can provide proper training, it would be very helpful to them. You would find that most of them are rural-oriented. It is not experimenting in Karnataka. This is a Government of India scheme. It is a pilot scheme which we have taken up only in few institutions in three Districts.

Notice of a Question of Privilege

re : Instructions to members of a Committee from the leader of the House, [Continued].

†SRI S. M. SHEARNALY CHANDRASHEKAR (Hosanagar).—Yesterday hon'ble Member Mr. Puttaswamy raised the Privilege Motion against the Leader of the House saying that he has instructed the Committee Members to take instructions before signing the report. In this connection, I would like to read Rule No. 215, Clause (3) which says as follows —

“The Report of the Committee shall be signed by the Chairman on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee ”

Therefore, a member need not sign a report. The question of signing by members will never arise unless the Committee authorised the individual member.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.—ಇವರ ವಿವರಣೆಯನ್ನು ಯಾರು ಕೇಳಿದ್ದರು ಅಧ್ಯಕ್ಷರೇ?

SRI SHEARNALY CHANDRASHEKAR.—My submission is, here privilege cannot be taken into consideration. It has no force. i.e., privilege has no force. I want your ruling on this point.

ಅಧ್ಯಕ್ಷರು.—ನನಗೆ ರಿಪೋರ್ಟ್ ಕೊಡುವಾಗ ಚೇರ್‌ಮನ್ ಒಬ್ಬರು ರುಜು ಮಾಡಿ ಕೊಟ್ಟಿದ್ದಾರೆ.

SRI S. M. SHEARNALY CHANDRASHEKAR.—Mr. Puttaswamy's privilege motion is that the other House Whip has instructed the Member before signing the report of the Committee. According to Rule 215, Clause (3), signing does not arise. This is what I want to submit.

SRI M. C. KRISHNAN.—Nobody has asked about the signature.

ಅಧ್ಯಕ್ಷರು.—ಯಾವುದೇ ಕಮಿಟಿ ರಿಪೋರ್ಟ್ ಕೊಡುವಾಗ ಪ್ರತಿಯೊಬ್ಬ ಸದಸ್ಯರು ರುಜು ಮಾಡಬೇಕೆಂದಿಲ್ಲ. ಅದರ ಅಧ್ಯಕ್ಷರು ರುಜು ಮಾಡಿ ಒಪ್ಪಿಸುತ್ತಾರೆ.

SRI D. DEVARAJ URS (Chief Minister).—Madam Speaker, I am sorry I could not be present before this House yesterday because I was fully engaged in the Upper House. I was given to understand that a Privilege Motion has been moved by the hon'ble Member of Mysore Taluka.

SRI K. PUTTASWAMY.—I represent the Constituency-Chamundeswari.

SRI D. DEVARAJ URS.—O.K. He represents Chamundeswari.

SRI KAGODU THIMMAPPA.—He is a Member of this House.

SRI D. DEVARAJ URS.—Perhaps who doubted I don't know.

SRI KAGODU THIMMAPPA.—The Hon'ble Chief Minister is not so particular about his constituency. He was telling, a Member of the Mysore Taluk.. ...

SRI D. DEVARAJ URS.—Your Chamundeswari also includes a part of the Mysore Taluk. Madam Speaker, the Notice reads like this;

“This Assembly having considered the letter dated 3rd May 1977 of Sri M.C. Perumal, M.L.C. and Government Chief Whip to the Members of the Public Undertakings Committee regrets to hold that the Hon'ble Chief Minister and Sri Perumal, Government Chief Whip have interfered with the functioning of the Committee and thereby they are guilty of breach of privilege of the House.”

Now, there is only one snag which is completely against the assumptions made in this Resolution. Of course, I have the copy of the letter which says;

“In this connection I am desired by the Leader to take instructions from the leader or the concerned Minister before you sign the report.....”

Now, it is the Chief Whip who had written that letter. I don't know whether the hon'ble Member who has given notice of this motion contacted either the Chief Whip or the Leader, whoever it is, to find out whether the Leader had given any instructions. As to my knowledge, the Chairman of the Committee has not asked me any question either orally or in writing about it. Now, based on the letter he came to the conclusion that I have given instructions on the basis of which the Whip had written a letter of that kind. I wish he had shown me that small courtesy, or small mercy asking me what the matter was. Anyway, it is before us. Now, I straight away say that I have not given any instructions to write letters. Therefore, the very basis on which this Motion is moved is knocked out. Again coming to Privilege as such, I would like to quote from Page No. 248 of the Practice and Procedure of the Parliament.

It says : "BRIBERY"

Any attempt to influence members by improper means in their parliamentary conduct is a breach of privilege. Thus the offering to a member of a bribe or payment to influence him in his conduct as a member or of any fee or reward in connection with the promotion of or opposition to, any Bill, resolution, matter or thing submitted or intended to be submitted to the House or any Committee thereof, has been treated as a breach of privilege,

.....An offer of money or other advantage to a member in order to induce him to take up a question with a Minister may also constitute a breach of privilege, since it is mainly because a member has the power to put down a question or raise the matter in other ways in the House that such cases are put to him.

Any attempt to influence a member otherwise than by way of argument, which has its motive the intention to deter him from performing his duty, constitutes a breach of privilege. Thus, an attempt to intimidate members by threats with a view to influencing them in their parliamentary conduct is a breach of privilege....."

Here, I think the word used is "interfered with the functioning of the Committee." I would like to quote the following from the Book Practice and Procedure of Parliament (at page No. 248) which reads as follows.—

"Any attempt to influence a member otherwise than by way of argument which has as its motive the intention to deter him from performing his duty, constitute a breach of privilege."

2-00 P.M.

Now, I would submit to the Chair, whether there is any kind of intimidation. First of all, I have stated that I am not a party to this letter. That apart, let me not be misunderstood, because I am stating that there is no intimidation or I am trying to argue, I am not a party to this letter. That shall not be taken that way at all. The letter as such even assuming that I am not a party to it, where is the intimidation, I would like to know. The word used is influence, even by a discussion there is an influence. If you say that influence is through some questionable means, through improper means, through unparliamentary methods, then I say yes, it amounts to what is called privilege. But even by debate and discussion, you are influencing my views and I am influencing the views of the House that is why debate and discussion takes place. Therefore, Madam Speaker, I respectfully submit that there is no such kind of influence to intimidate or to

prevent the Committee's function. Now, I was given to understand that these privileges are not defined anywhere properly. I have come to the House to clear it. But here even assuming this letter is there, I only submit that there is no such either intimidation or any kind of influence to be brought to bear upon the Members of the Committee, otherwise than by way of argument. The argument may be in the House or outside. I mean to say that in the Committee or outsider. We are functioning on a party system of democracy. It is a well-known practice that the Whips are there and a Whip is given to the party Members. Even then it could be called influence. Even the Opposition party also has got a Whip. Therefore, I think there is no privilege involved in this, much less I am involved in this.

SRI K. PUTTASWAMY (Chamundeswari).—Madam Speaker, I take it that the Hon'ble Chief Minister has been able to find some to go through the remarks that I made on the occasion of requesting your consent. As a matter of abundance caution, I referred to the remarks of the Hon'ble Chief Minister which appeared in the Press. I have perhaps the Hon'ble Chief Minister might have made that statement and during his reply he may confirm the same. Now, I am extremely happy that my introductory remark has been very much justified. I said I have brought this motion not in a spirit of levity, I have brought this in an academic spirit. I am sure, the Hon'ble Chief Minister is second to none in trying to help you to set up good precedent in this House. Madam Speaker, I listened to the speech of the Chief Minister very carefully, and I think his remarks are besides the point. He has not met my point, I never attributed any intimidation. I do not think, any Member of this House would be subject to intimidation by whatever authority it may be. However, high an authority it may be the Hon'ble Members of the House have sufficient moral strength to resist intimidation or even undue influence.

SRI D. DEVARAJ URS.—I have never said that the Members who have brought this notice have attributed intimidation. I carefully read the notice wherein it has been stated 'interference not intimidation'. The word used is interference not intimidation. I am perfectly aware of it.

SRI K. PUTTASWAMY.—The Hon'ble Chief Minister made reference to that, he stated, it would be a matter of privilege if there is intimidation. That is what he said. The Hon'ble Chief Minister stated that if there is undue influence it would be breach of privilege. I have not made those points at all. Therefore, I say that those points did not arise at all, as the Hon'ble Members have sufficient moral strength to resist any intimidation or undue influence. I am

very glad to testify that the Members of the Public Undertaking Committee have been able to resist that influence. Whatever mild influence it may be. They have been able to do it. My point is, there was an attempt to interfere. I am extremely happy that the Hon'ble Chief Minister has no hand in it. I also said a person with rich experience in parliamentary life, would not do such a thing at all. The Hon'ble Speaker has pointed out the heading in the letter of the chief whip in question as, 'The Congress Parliamentary Legislature Party'. Whether this amounts to a breach of privilege is a point which the Hon'ble Speaker will have to decide. At the outset, I would like to point out one thing which is very known to all of us and which does not require to be substantiated by an authority. Madam Speaker we all know that the reports of the Committee are confidential, and till they are presented to this House. Madam Speaker, I would like to quote the following from MAY'S BOOK THE LAW, PRIVILEGES PROCEEDINGS AND USAGE OF PARLIAMENT, which reads as follows :

PREMATURE PUBLICATION OF A COMMITTEES PROCEEDINGS OR EVIDENCE.

By the ancient custom of Parliament "no act done at any committee should be divulged before the same be reported to House" (M). Upon this principle the Commons, on 21st April 1837, resolved "That the evidence taken by any select committee of this House, and documents presented to such committee, and which have not been reported to the House, ought not to be published by any member of such committee or by any other person" (1).

This is as early as April 1837. The House of Commons have said that these reports till they are submitted to the house are confidential and if they are published it amounts to a breach of privilege. The Hon'ble Chief Minister said that the law of privileges has not been settled so far. Now, how are we to know whether the attempt made by the Government Chief Whip amounts to a breach of privilege. The Constitution is very definite on this point. Article 194(3) provides;

"In other respects, the powers, privileges and immunities of a house of the legislature of a State and of the members and the Committees of a house of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees at the commencement of this Constitution".

The commencement of the Constitution was 26th January 1950. The privileges that were enjoyed by the House of Commons as on that day are the privileges that we enjoy till they are defined by law. Though it is over 27 years we have not been able to define what are all the privileges and when exactly a breach of privilege arises. Now we have to ascertain from the proceedings of the House of Commons what were all the privileges which they were enjoying on that day.

The motion that I have tabled raised a very very important point. Therefore I would appeal to the Hon'ble Speaker to bestow her careful attention and see whether consent cannot be accorded, so that several points which are involved in it can be thrashed out. In the article I have quoted there is a reference to the privileges of the committee also. One point that arises according to me is whether the committee does or does not enjoy all the rights and privileges of this House as well as the other House because it is a committee of both houses. The other point is whether the proceedings of this committee are not confidential so far as all other persons outside the committee are concerned no matter whatever position they may enjoy until the report is presented to the Speaker or to the House. It is not my case that either the Chief Minister or any other Minister tried to know what the committee was doing. Now that the Chief Minister has stated categorically that he has not given any such instructions, I am very happy about it. Incidentally it may be asked why I did not have the courtesy to ask him whether he has given such instructions. I think it is not such a great omission on my part because the letter is very very clear. I wanted the Chief Minister to make a statement. Therefore, yesterday I was very very careful while making a general reference. Even the Hon'ble Member Sri Perumal might have issued the letter without knowing what he was doing. That is my fear. Whether the proceedings of this committee are not confidential so far as other members outside the committee are concerned no matter what position they enjoy, I have already answered by referring to page 119 of May's Parliamentary Practice.

The other point that arises is whether this letter does not attempt to curtail freedom of expression and freedom of action of the Hon'ble Members of the committee by an authority outside the committee.

Government Chief Whip is an authority outside the Committee. The question is whether by this attempt he is not curtailing the freedom of expression of the Hon'ble Members of the committee. We know what it means. When the Chief Whip makes a report to the higher authorities, the powers that be. The displeasure of the Whip

may mean some thing to the Hon'ble Members. Therefore, the point is whether his attempt is not an attempt to curtail the freedom of expression and freedom of speech of the Hon'ble Members,

Yesterday I was very much surprised when Sri Channabasappa explained to us the working of the party and claimed a right to issue instructions to the members of the committee. Knowing as I do Sri Channabasappa I was not very much shocked because he is a person who argues for every case even if the case is bad,

I am not as good as the Chief Minister in the matter of law. He often claims he is not a lawyer.

SRI D. DEVARAJ URE.—I am not a lawyer.

SRI K. PUTTASWAMY.—Even though I have law degree I am sailing in the same boat as he is sailing.

SRI D. DEVARAJ URE.—How could it be? You have taken degrees whereas I have not.

SRI K. PUTTASWAMY.—The right claimed in the letter is he can give instructions. The very object in appointing this committee or committees of the Houses is going to be defeated by such interference. What is the object in appointing a committee like this? You appoint a committee of this House to examine the working of the Public Undertakings in which the Government have invested huge public funds. In the ordinary course no Government or no minister for Industries, however intelligent and able he may be, would be able to examine the working of those bodies. Therefore, there is need for appointment of Public Undertakings Committee exclusively to study the working of those institutions. Supposing the right claimed by Sri H. M. Channabasappa is conceded, then where are we? Could we be able to examine the working of these bodies in the real spirit? Therefore, I say the very object of appointing this committee will be defeated if the right claimed by Sri H. M. Channabasappa is conceded. I do not think any member of this House would concede that right. It is in your experience, Madam Speaker, that these committees have functioned quite well and through in these committees representation is there for all shades of opinion the reports are unanimous. They discuss issues threadbare and then arrive at consensus and submit unanimous report. Usually the reports have not gone on party lines. If the right claimed by Sri H. M. Channabasappa is conceded, then there is no use in appointing these committees at all. It could be carrying politics even these committees and perhaps there may not be agreement on any matter.

The principle of democratic Government, as I have understood is, that the Government, is accountable to the legislature. Whether this accountability remains if the right claimed by Sri H.M. Channabasappa is conceded, This Legislature functions through its committees. The legislature votes crores of rupees for several departments. Huge investments are made in certain factories, in the form equity shares. We hand over the administration to persons whose investment just Rs. 10,000 or 15,000 towards equity shares. It is the duty of the committee to bring to the notice of the legislature what exactly happens there. If these things are sought to be interferred with, then this House cannot exercise its rights of demanding the executive to account for the moneys that it has voted.

I have already explained the conception of constitution of this committee. It is different from the conception of constitution of this House. I am very glad to say that so far as my experience goes no committee has misused its powers. That being so, I do not know what provoked the Chief Whip to issue such instructions. One other matter which the Chief Minister will have to take very serious note is, there a Government Chief Whip paid by the State Exchequer, issues a letter in question without the knowledge of the Chief Minister. I have highest respect for the office of the Chief Minister and equally so to Sri Devaraj Urs. He is the Leader of this House, I represent a constituency and he represents all of us. I would like to ask him as to why he kept quiet all these days? It is over three or four weeks that this was brought to his notice. There is the Chief Whip of the Government who issues instructions to members. and represents you. Can you tolerate him? It surprises me that he has kept quiet all these days. It is not a small matter. I see the Honble Chief Minister is smiling. But I am sure that in the cover of that smile there is some serious thought as to steps that he has to take to prevent such things.

SRI R. GUNDU RAO.—Do you want him to weep?

SRI PUTTASWAMY.—I don't want him to cry. I do not want anybody to cry. I have been placing all these things before you to persuade you to give consent so that this matter can be discussed threadbare and the honble members may have an opportunity to contribute their views and may be collectively able to evolve a good precedent. This is a serious matter I may not insist the House to call Perumal to the bar of this House and inflict severe punishment.

SRI C. BYRE GOWDA.—Why not?

SRI K. PUTTASWAMY.—If you want it, it is a different thing. There are so many ways to express our displeasure. But what I want the Hon'ble Speaker to do is to give her consent so that we may

discuss the matter in a sportsman spirit. The Chief Minister has abundant sportsmanship to agree for discussion. I want this matter to be discussed so that you may be in a position to lay a good precedent for all times to come.

SRI D. DEVARAJ URS.—The Hon'ble member mentioned one or two points, which I think I should deal with before you give your Ruling.

2-30 P. M.

†**SRI M. S. KRISHNAN (Malleswaram).**—If the Hon'ble Chief Minister were to yield, I would like to say a few words. I am also rising on this question purely out of academic interest, in the sense it has become academic because yesterday's position was that the Leader of the House might have given instructions. The position today is that the Leader of the House has not given any instructions. Even if he has not given instructions, whether this action of Sri M. C. Perumal amounts to breach of privilege is one question which is most important. I am not questioning the conduct of the Leader of the House. Regarding Sri M. C. Perumal's conduct, whether it amounts to a breach of privilege of this House is a very important matter which we have to consider. My submission is that it does amount to a breach of privilege because the Public Undertakings Committee is constituted by both the Houses it is not of only one House. The action of any Member which comes in the way of proper functioning of the Committee does amount to a breach of privilege. My submission is that this letter which has been written by Sri M. C. Perumal to Sri Ganachari does come within the purview of the breach of privilege, because it reads as follows: he says to Sri Ganachari.

“You are a Member of the Public Undertakings Committee. There is possibility that the chairman of the Committee may finalise the report and seek your signature to the Report. In this connection, I am desired by the Leader that you take instructions from the Leader or the concerned Minister before you sign the Report. Please treat this as ‘Confidential and Very Urgent’.

He has signed the letter, of course, as the Government Chief whip. Now the first portion of it, viz., ‘instructions from the Leader of the House’ does not arise because Leader of the House says that he has not given any instructions. We do not know what the concerned Minister has stated because the concerned Minister at that time was Sri S. M. Krishna, and whether he has stated anything or not I am not in a position to say. Even if he has

not stated anything, I would say that the action of Sri M. C. Perumal amounts to undue influence brought to bear by the hon'ble member in his capacity as Government whip, in respect of another Member, who is a Member of the Committee, though not a Member of this House. This I feel comes within the purview of undue influence being brought to bear. I would like to refer to the question of what 'undue influence' means. The Hon'ble Chief Minister spoke about it. I would like to refer to practice and Procedure of Parliament by M. N. Kaul and S. L. Shakhder. At page 212, it says.

"ATTEMPTS BY IMPROPER MEANS TO INFLUENCE MEMBERS IN THEIR PARLIAMENTARY CONDUCT

Any attempt to influence members by improper means in their parliamentary conduct is a breach of privilege. Thus, the offering to a member of a bribe or payment to influence him in his conduct as a member, or of any fee or reward in connection with the promotion of, or opposition to, any Bill, resolution, matter or thing submitted or intended to be submitted to the House or any Committee thereof, has been treated as a breach of privilege....."

I am not on the question of bribe. It cannot be bribery. It is a question of undue influence by improper means. Improper means need not only mean taking or giving money. My submission is that in this particular case it is an improper means to influence a Member of the Committee by telling him that he must take instructions either from the Leader of the House or the concerned Minister. This I consider as improper means to influence the Committee's functioning and its recommendations. This is my humble submission. About money, there are various methods of influencing: There is no question of bribery. Even if it is not bribery, if one writes a letter, it does mean influencing the functioning of the Committee. I agree that we should not cast aspersions against another Member. To my experience in this House and as a Member of the Public Undertakings Committee and previously as a Member of the Estimates Committee, we have never been asked to sign any report. The letter says that if he has to sign, he has to ask the Leader or the concerned Minister. If he signs without instructions what will happen is not stated. That itself is undue influence. I would like to say that it does come under 'undue influence'.

It comes within the purview of another aspect. Of course, the Hon'ble Minister stated that it is not intimidation. To use a threat

directly or indirectly also means intimidation. Here, at page 213 of the Book on practice and Procedure of Parliament, it says.

"INTIMIDATION OF MEMBERS Any attempt to influence a member otherwise than by way of argument, which has as its motive the intention to deter him from performing his duty, constitutes a breach of privilege."

So, I am very clear on this question. The Government whip Sri M. C. Perumal has sought to influence Sri Ganachari, in a manner, not by way of argument but otherwise, which means taking instructions from the concerned Minister or the Leader of the House. That is why I would say that this does become a breach of privilege because it is an attempt to influence the Member... It was stated that after all a direction can be given by the Chief Whip to the Members. But the functions of the Legislature either in the Council or the Assembly are totally different from the way the Committees function. It is common knowledge that in these Committees the question of giving a whip to anybody does not arise because they discuss the various issues and come to an understanding, That has been the procedure adopted.

If a whip is given then such committees can never function. I am sure it would not have been possible to produce a number of reports that have been produced all along by the Legislative Assembly Committees and other committees. It has always gone on the basis probably of consensus. There are several occasions where I have myself differed in regard to certain aspects of the reports; we all agree on particular proposition, there will not be any signature, the signature will be affixed by the Chairman of the Committee. Under these circumstances to put two things on par the Legislative Assembly as well as the Committees I do not think it is correct. I would submit that based on the manner in which these committees have to function, based on the autonomy they enjoy, based on the general practice and precepts which are there for the functioning of these committees, he would not have come to the conclusion that he had a right to guide such a whip. Even if he has a right to give such a whip or if he has given such instructions, whether it would not amount to undue influence? This is one question which has to be considered by you. I would request the Chair, after taking into consideration all these facts, to give a considered ruling.

† SRI D. DEVARAJ URS.— I have very carefully heard both the hon. members who have just now made submissions for the admissibility of this motion. The last sentence which was mentioned by Sri K. Puttaswamy that this privilege motion should be taken up for discussion. I have categorically said that I have no hand in this affair.

SRI K. PUTTASWAMY.—I have no objection.....

SRI D. DEVARAJ URS.—The motion before us says that.....

SRI K. PUTTASWAMY.—I have said enough. Now that the Chief Minister has conceded, the matter does not arise. I have said it any number of times.

SRI D. DEVARAJ URS.—You did not say it at all during the course of your argument

SRI K. PUTTASWAMY.—You may kindly ascertain it from the Steno-typist, I have said it more than once. Now that the Chief Minister has conceded, the matter relating to him does not arise, I would request the Chief Minister to yield so that reference to the Chief Minister in the motion may be omitted.

SRI D. DEVARAJ URS.—I have only made a statement of facts that I am not a party to this matter. While the hon. member was speaking, I have listened to him without any interruption. He merely requested the Speaker to allow the motion to be discussed. He never said anything, that is why I am pointing out to him. Now if he concedes that point, there ends the matter. Whether it is a breach of privilege or not, this point was debated by both Sri Krishnan and Sri K. Puttaswamy. He might have forgotten his legal knowledge, but he has forgotten the method of arguing a case. I concede the point that he has ably argued the case but alas. I must say sometime the people like Sri Puttaswamy who had the privilege of having degrees of Law, have also developed the ability to argue cases where there is no case actually. Even such cases will have to be argued; otherwise they will not be called lawyers.

MADAM SPEAKER.—I invite your attention to rule 215 (3) of the Rules of Procedure of the Assembly and quote it for the benefit of the House

“215 (3) The report of the committee shall be signed by the Chairman on behalf of the Committee.

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.”

From the above rule, it is very clear that the Chairman alone has to sign the report but not the members.

SRI H. D. DEVE Gowda.—The Hon. Chief Minister has forgotten the stand which he took when we discussed the K. H. Patil's Report.

SRI D. DEVARAJ URS.—They had asked the members also to sign the report. You please get the report and find out whether the

members have signed or not. I will take back my remarks if it is not so. There are one or two reports, I remember distinctly subject to verification.

SRI K. PUTTASWAMY.—What is usually done is after the deliberations are over, finally the members would authorise the Chairman to submit the report. No doubt the report submitted to this house contains the signature of the Chairman; but the usual practice is, after the committee adopts the report, the Chairman is authorised by a resolution of the committee to present the report, the members invariably sign the report. I thought the Chief Minister knew this procedure.

SRI D. DEVARAJ URS.—The hon. member being a member of the Congress party for so many years and now in the Janata Party, knew how the party functions.

SRI K. PUTTASWAMY.—I would request the Hon. Chief Minister to desist from making this type of attack.

SRI D. DEVARAJ URS.—Usually in the debate you also attack and we hit back. I cannot help.

SRI K. PUTTASWAMY.—You can afford to hit back but I cannot.

SRI D. DEVARAJ URS.—The hon. member need not be excited. We all know being in the political party how the party functions. That is what I am saying.

I was saying that the signing of the report by the members is nowhere prescribed. Even the Rules of Procedure of the Assembly do not prescribe for signing of members but merely say that the Chairman has to sign the report on behalf of the Committee.

But I said there instances where the report is being signed by the Members.

SRI K. PUTTASWAMY.—I have been authorised by the Members.

SRI D. DEVARAJ URS.—I am not here for asserting. I am merely submitting to draw the attention of the Speaker to the reports which have been signed by the Members of Committee whether it is prescribed or not in the Rules. I think there was a Committee on Public Undertaking which was also signed by the Members, and I remember that the debate that took place and the remarks made by the Leader of the Opposition to the effect that this Committee's report was unanimously signed. My point here is that according to this rule, it is Chairman and the Chairman alone who signs the report on behalf of the Committee. Now with reference to this rule, let us see what the Chief Whip has written. It is like this.

"I am desired to inform you to take instruction from the leader or the Minister before you sign the report"

He asks to contact the leader or the Minister concerned before the Member signs the report. The Hon. Member who has moved the privilege motion has interpreted in his own way. The benefit of doubt goes to the person who wants to criticise. The rule says that no Member need sign; it is only the Chairman who signs. Somehow, in some occasion Members also signed. That is the reason why he must have written this letter.

SRI KAGODU THIMMAPPA —So far you have not come forward to say that you have agreed with the letter or not. You must make it clear. You are arguing on behalf of Chief Whip.

SRI D. DEVARAJ URS.—There is no question of conceding or denying. I have not denied.

SRI KAGODU THIMMAPPA —Then your argument is premature.

SRI D. DEVARAJ URS.—The Daniel has to come to judgement. Now so far as privileges are concerned, there was a Conference at the time of late Speaker Sri Movalankar and in that Conference it was unanimously decided like this. The Conference debated the issue of defining the privilege. I quote :

“In the present circumstance, codification is neither necessary nor desirable”.

And again speaking in Lok Sabha on the 20th February, 1959, on a private Member's Bill which sought to include Members' letters to Ministers within the meaning of the term “Proceedings in Parliament”, the former Minister of Law Sri Asoke K. Sen observed :

“After all, it is now acknowledged more or less universally that matters of privilege should be left uncoded rather than codified. It is all the more so in this country. Though in England Parliament may, if it so chooses, pass any law concerning either by way of extending it or restricting it in this country the moment we think of passing any law we shall have to contend with the limitation which the Constitution imposes upon us. Let us not be deluded into the idea that this House can pass any law concerning its privileges. It is all right to stick to those which have been inherited by reason of article 105 of the Constitution. But the moment we try to legislate, some of the laws we have inherited may be condemned if we try to codify them by passing laws ourselves, for, the whole of the limitations, in part III of the Constitution and the other limitations will have full play the moment Parliament seeks to legislate.”

I want to draw your attention merely to point out that the privileges have been left open for the Houses concerned to debate and decide. Finally the Speaker has to do it. So, there is no precedents or law where the whip has the right to ask the Members of his party to give guidelines to function in a Committee. I don't think there is any precedents to show that it amounts to any kind of privilege and even the Courts have said regarding privileges. There is one *Hidayathulla* judgement, in which it is said that there is hardly any need to codify the law on the subject of privileges.

"If codified, the Courts will be called upon to intervene to give a proper understanding of both sides."

Therefore, now here it is codified not there is any precedents to say anything regarding the matter like this whether it amounts to breach of privilege or not. I am saying this because, this is a matter which can be debated upon. My only point is that this letter which only asked the Members of his party either to consult the leader or the Minister concerned before signing does not amount to a matter of breach of privilege. This is my submission.

ಅಧ್ಯಕ್ಷರು. ನಾನು ಅನುಮತಿ ಕೊಟ್ಟಿಲ್ಲ ಮತ್ತು ರೂಲಿಂಗ್ ಕೊಟ್ಟಿಲ್ಲ.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ.— ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರವರೇ, ಶ್ರೀ ಮಾನ್ಯ ಪುಟ್ಟಸ್ವಾಮಿಯವರು ಮತ್ತು ಮಾನ್ಯ ಕೃಷ್ಣನ್‌ರವರು ತಂದಿರತಕ್ಕ ಪ್ರಿವಿಲೇಜ್‌ಗೆ ಅನುಮತಿ ಕೊಡಬೇಕೆನ್ನುವ ವಾದವನ್ನು ಸಮರ್ಥಿಸುತ್ತಾ ತಾವು ರೂಲಿಂಗ್ ಕೊಟ್ಟಿಲ್ಲವೆಂದು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೇನೆ. ಆದರೆ ಬೆನಿಫಿಟ್ ಆಫ್ ಡೌಟ್ ಆದರೆ ಬಗ್ಗೆ ಆರೋಪ ಮಾಡುವುದಕ್ಕೆ ಹೋಗುವುದಿಲ್ಲ. ಯಾರು ಕಾಗದ ಬರೆದಿದ್ದಾರೆ ಅವರಿಗೆ ಒಂದು ಅವಕಾಶ ಕೊಡಬೇಕಾಗುತ್ತದೆ. We cannot sit in judgement here. We cannot summon Mr. Perumal and ask him to clarify the position in this House. That is way an opportunity must be given to Mr. Perumal. I don't doubt the bonafides of the Chief Minister but an opportunity must be given to Mr. Perumal to say whether the Leader has given such instructions or not. That is why this motion should be referred to the Committee of Privileges and he should be summoned and an opportunity should be given to find out whether instructions have been issued by the Chief Minister or not. If the House takes the decision, he can be summoned. Otherwise, it can be referred to the Committee which is empowered to summon any member. From that angle, I am requesting the Hon. Speaker to give the consent.

3-00 P. M.

MADAM SPEAKER.— Elaborate arguments ಎರಡೂ ಕಡೆಯೂ ಆಗಿದೆ. Let me give a considered ruling later on.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ — ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷರವರೇ, ನಾನು ರೂಲ್ 140ರ ಒಳಗೆ ಒಂದು ಮೋಷನ್ ಕಳುಹಿಸಿಕೊಟ್ಟಿದ್ದೇನೆ. ತಾವು ಅದಕ್ಕೆ ಅನುಮತಿ ಕೊಡಬೇಕೆಂದು ಕೇಳುತ್ತೇನೆ. ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇದ್ದಾರೆ, ಇದು ಅವರ ಸಹೋದ್ಯೋಗಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಿದ್ದು ಎಂದರೆ ಶ್ರೀ ಮಾನ್. ಡಿ. ಎಲ್. ಪಾಟೀಲ್‌ರವರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯ. ಇದು ದಿನಾಂಕ ೧೯-೬-೧೯೭೬ರ ಡೆಕ್ಕನ್ ಹೆರಾಲ್ಡ್ ಪ್ರಕಟಣೆಯಲ್ಲಿ ಬಂದಿದೆ. ಅದಕ್ಕೆ ಒಂದು ಕಾಲ್ಪನಿಕದಿಮಾಡಿ ಚರ್ಚೆ ಮಾಡಬೇಕಾಗುತ್ತದೆ.

MADAM SPEAKER — I have to give my consent

SRI D. DEVARAJ URS.— If the Speaker gives consent I will agree

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ:— ಸಂಬಂಧಪಟ್ಟ ಸಚಿವರು ಅಸ್ಪೃಶ್ಯ ಸೇರಿದ್ದಾರೆಂದು ಮಂತ್ರಿಗಳು ಹೇಳುತ್ತಿದ್ದಾರೆ. ಅದಕ್ಕೆ ಒಂದು ವಿವರಣೆ ಕೊಡುತ್ತೇನೆ, ಈಗಾಗಲೇ ತಮಗೆ ದೂರು ಬಂದು ಇದನ್ನೂ ತಾವು ವಿಚಾರಣೆ ಮಾಡಿಸಿದ್ದೀರಿ. ತಮ್ಮ ಹತ್ತಿರ ಎಲ್ಲಾ ವಿವರಗಳು ಇವೆ.

SRI D. DEVARAJ URS.— There is nothing which should deter me. I will talk to the Speaker. The hon. member also may talk to the Speaker, but not now, because the Minister is not here. Madam Speaker, the Minister concerned is not available here. I have received a telegram. He is ill in the hospital and he has submitted he is coming on Monday or so. I have some report and I have to find out what he has to say about it. I am not trying to prevent any discussion on that. Please understand. Let me not be misunderstood that I am trying to prevent discussion. It has not been possible for me to contact him because he is not available. According to the telegram that has been received—it has been received by you also, Madam Speaker, he is coming on Monday the 17th or 18th. Afterwards you can fix up the time and you can take up the motion.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.— ಈ ಬಗ್ಗೆ ದೂರು ಬಂದು ತಾವು ವಿಚಾರಣೆ ಮಾಡಿ ಇದರ ಸತ್ಯಾಸತ್ಯತೆಯ ಬಗ್ಗೆ ತಿಳಿದುಕೊಂಡಿದ್ದೀರಾ ಎಂದು ನಾವು ತಿಳಿದುಕೊಂಡಿದ್ದೇವೆ.

SRI D. DEVARAJ URS — In the press report it is stated as CBI ; it is not correct. It is COD. First and foremost, the caption is not at all correct.

SRI H. D. DEVE GOWDA.— It is by COD according to the Chief Minister.

SRI D. DEVARAJ URS.— According to the facts.

SRI H. D. DEVE GOWDA.— The entire matter is already examined by Government through COD., That is way I wanted discussion, because it is a very serious matter.

SRI D. DEVARAJ URS — If you will bear with me, I have received a complaint. I have got it examined. The report is before me and now, based on the report in the press, the hon Leader of the Opposition wants that he should be dismissed or some action should be taken. He says I request the Hon. Chief Minister to remove

him from the Cabinet'. If you want to speak on that or debate on that, should I not know from the Minister? Should I not give that minimum opportunity to the Minister to say what he wants?

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.— ಅದು ನಿಮಗೂ ಮತ್ತು ನಿಮ್ಮ ಸಹೋದೋಗಿಗಳಿಗೂ ಸಂಬಂಧ ಪಟ್ಟ ವಿಷಯ. ಅವರ ಅಭಿಪ್ರಾಯವನ್ನು ಪಡೆಯುವುದು ನಿಮ್ಮ ಜವಾಬ್ದಾರಿ ?

ಅಧ್ಯಕ್ಷರು : ಮಾನ್ಯ ಹಣಕಾಸಿನ ಮಂತ್ರಿಗಳು ಮಾತನಾಡಬಹುದು

Statement by the Minister for Finance

Re : Simplified System of Taxation Agricultural Income Tax

SRI M. Y. GHORPADE (Minister for Finance).— Madam Speaker, I wish to make the following Statement:

As the Hon'ble Members are aware, the Karnataka Agricultural Income Tax (Amendment) Act, 1976 (Act No. 29 of 1976), was passed by this august House on the recommendation made by the Joint Select Committee, after a great deal of deliberation. This Amendment Act is deemed to have come into force from 1st April, 1975 and thereby all agricultural income earned for the year 1975-76 onwards became liable for payment of tax under this Amendment Act subject to the first Rs 8000 of agricultural income being exempt.

2. In my Budget Speech for 1975-76, I had explained this new levy at great length. As indicated by me then, this measure was introduced after a study in depth of the existing system of taxation of agricultural income and the report of the various committee on taxation agricultural income, viz. the Committee on Taxation of Agricultural Wealth and Income, known as 'Raj Committee', the Mysore Taxation and Resources Enquiry Committee, headed by Shri S. Boothalingam, as also the studies conducted by the National Council of Applied Economic Research. On the basis of such study, it was felt that the framework of the existing agricultural income tax legislation which was applicable to plantation crops and some specified commercial crops only could best be extended suitably to cover all crops, so that irrespective of the nature of the crop, all agricultural incomes are brought under a progressive system of taxation. Further while so extending the coverage of the agricultural income tax, the system of taxation was also simplified. The level of tax was related to the land revenue in case of dry land, and to the nature of source of irrigation in case of irrigated land, except in case of land growing certain selected perennial or long duration crops which were capable of physical verification and yielded high incomes. Secondly, the facility of composition of tax was extended to all assesseees except those growing plantation crops, so that this system was not only